

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JEREMY K. ROSS,

Plaintiff,

v.

ANDREA NEHOFF, et al.,

Defendants.

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No. 4:21-CV-159 SEP

MEMORANDUM AND ORDER

Plaintiff moves for appointment of counsel in this action brought pursuant to 42 U.S.C. § 1983. Doc. [3]. After considering the motion and the pleadings, the motion is denied without prejudice.

There is no constitutional or statutory right to appointed counsel in civil cases. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Phillips*, 437 F.3d at 794.

Plaintiff has presented non-frivolous allegations in his complaint. However, simultaneously with this Memorandum and Order, the Court has issued a stay in this matter pursuant to the Supreme Court case of *Wallace v. Kato*, 549 U.S. 384 (2007). As such, the Court will deny Plaintiff's motion for appointment of counsel at this time.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion (Doc. [3]) is **DENIED** without prejudice.

Dated this 31st day of August, 2021.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE